REMARKS

Claims 1-20 are currently pending. The Office Action dated February 2, 2005, has been carefully considered. In response to the Office Action, Applicant has amended the application. Applicant requests that the Examiner consider the following remarks, and then pass the application to allowance. New Claims 18-20 have been added to further define the protection to which applicant is entitled.

Claims Rejections – 35 USC § 112:

Claims 1-17 were rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 16 and 17 have been amended to recite "said extensible structure." Withdrawal of the rejection is respectfully requested.

Claims Rejections – 35 USC § 103:

Claims 1-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lennox et al. (U.S. Patent 6,137,419) in view of Amberger et al. (U.S. Patent 4,942,937).

Claim 1 as amended recites an audible alarm system for vehicles having an extensible structure, the system comprising: a sensor for sensing a first position and a second position of a vehicle's gearshift lever, wherein the sensor is affixed to an exterior of the vehicle's dashboard; and a control module, the control module receiving an electrical signal from said extensible structure when the extensible structure is fully or partially deployed and, wherein the control module communicates the electrical signal to an audible alarm if the sensor senses that the vehicle's gearshift lever has been moved from the first position to the second position and wherein the system does not inhibit the vehicle from being driven. (Emphasis added).

Claim 16 as amended recites an audible alarm system for vehicles having an extensible structure, the system comprising: a sensor for sensing a first position and a second position of a vehicle's gearshift lever, wherein the sensor comprises a magnetic sensing switch affixed to a vehicle's dashboard and a magnet affixed to the

vehicle's gearshift lever; and a control module, the control module receiving an electrical signal from said extensible structure when the extensible structure is fully or partially deployed and, wherein the control module communicates the electrical signal to an audible alarm if the sensor senses that the vehicle's gearshift lever has been moved from the first position to the second position and wherein the system does not inhibit the vehicle from being driven. (Emphasis added).

Claim 17 as amended recites a method of warning an operator of a vehicle having an extensible structure when the vehicle is about to be driven with the extensible structure deployed, the method comprising the step of: sensing a first position and a second position of a vehicle's gearshift lever; receiving an electrical signal from said extensible structure when the structure is fully or partially deployed; and communicating the electrical signal to an audible alarm if the vehicle's gearshift lever has been moved from the first position to the second position and wherein moving the gearshift lever does not inhibit the vehicle from being driven. (Emphasis added).

Lennox relates to a pickup truck tailgate monitor, which includes a control panel mounted adjacent to an operator station in the cab of the truck. The tailgate monitor includes a sensor that senses when the tailgate is open. The sensor is connected to a circuit which activates an electronic buzzer when the tailgate is open. A switch in the operator's cab allows the operator to turn off the tailgate monitoring system, including the electronic buzzer when transporting elongated cargo with the tailgate open. Lennox et al. do not teach or suggest a control module that communicates an electrical signal to an audible alarm if the sensor senses that the vehicle's gearshift lever has been moved from a first position to a second position.

Meanwhile, Amberger relates to a locking device for a gearshift lever, wherein the "action effectively prohibits gear shift lever 14 from further rotational movement on axle 12 and thus prevents any further movement of lever 14 out of the park position. Thus, gearshift lever 14 is locked in the park position." Col. 2, lines 60-64. Accordingly, since Amberger does not teach or suggest that the vehicle can be driven upon movement of the gear shift lever from a first position to a second position, Claims 1, 16 and 17 should be allowable. Claims 2-15 are dependent from Claim 1, and should be also be allowable.

Furthermore, if the gearshift is locked in the park position as taught by Amberger, this prevents the operator of the vehicle from shifting the vehicle from the park position, which in some situations, such a civil disturbances, floods, and forest fires would be an undesirable situation for a driver of an ENG van (i.e., television microwave trucks). Accordingly, since Lennox in view of Amberger does not teach or suggest a control module that communicates an electrical signal to an audible alarm if the sensor senses that the vehicle's gearshift has been moved from a first position to a second position, and wherein the system does not inhibit the vehicle from being driven, Claims 1-17 should be allowable.

New Claims 18-20:

Claims 18-20 recite the system or method of Claims 1, 16 and 17, wherein the first position is park and the second position is any other drive position. For the reasons set forth above, Claims 18-20 should be allowable. Support for Claims 18-20 is found on page 3, lines 17-19 of the application. No new matter has been added.

CONCLUSION

In the event that there are any questions concerning this response or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution may be expedited.

Respectfully submitted,

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